

Notice of Allowability

Application No.

09/635,629

Examiner

Justin T. Darrow

Applicant(s)

KIMURA, JUNICHI

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2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment after final rejection filed 06/15/2005.
2. ☒ The allowed claim(s) is/are 1-9 and 14-20.
3. ☒ The drawings filed on 10 August 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 1-20 have been presented for examination. Claims 1-9 and 12-16 have been amended, claims 10 and 11 have been cancelled, and new claims 17-20 have been added in an amendment filed 10/01/2004. Claims 12 and 13 have been canceled and claim 14 has been amended in an amendment filed 06/15/2005. Claims 1-9 and 14-20 have been examined.

Priority

2. Receipt is acknowledged of a paper submitted under 35 U.S.C. 119(a)-(d), which paper has been placed of record in the file.
3. Acknowledgment is made for the benefit of an earlier filing date of Application No. 2000JP-222389 filed in Japan on 07/18/2000.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 03/04/2005 was filed before the mailing date of the final rejection Office action on 03/15/2005. The submission is in compliance with the provisions of 37 CFR 1.97(c)(1). Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

5. Claims 1-9 and 14-20 are allowed.
6. The following is an examiner's statement of reasons for allowance:

Claims 1 and 4-6 are drawn to a video or still image information generating apparatus. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-

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107389 A in view of Jung et al., U.S. Patent No. 4,862,290 A, disclose a similar apparatus.

Although Itoh et al. describe an accounting circuit for carrying out remittance processing after the image information has been descrambled for viewing (see ¶ [0007], figure 1, item 14), none of these inventors show or motivate a processor unit operatively connected to a camera for adding a copy protection code corresponding to a paid fee to a video bitstream or still image information created by the camera for output. This particular feature explicitly recited in independent claim 1 renders claims 1 and 4-6 allowable.

Claim 2 is drawn to video or still image generating apparatus. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-107389 A, discloses a similar apparatus. Although Itoh et al. describe remittance processing after the image information has been descrambled for viewing (see ¶ [0007], figure 1, item 14) and providing copy preventative information (see ¶ [0006]; figure 1, item 11), Itoh et al. neither show nor imply a means for creating a copy protection code with the video bitstream or still image information depending on a paid fee. This distinct feature explicitly recited in independent claim 2 renders it allowable.

Claims 3 and claim 9 are drawn to two video or still image information generating apparatus, respectively. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-107389 A in view of Jung et al., U.S. Patent No. 4,862,290 A, disclose a similar apparatus. Although Itoh et al. show decoder IC card to control a decoder in accordance a user's choice of programming which checks for required charges (see ¶¶ [0006]-[0007]; figure 1, items 8 and 22), none of these inventors describe or suggest a means for feeding to an external entity via an interface a video bitstream or still image information together with a

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copy protection code created depending on an amount of a paid fee in response to an instruction from a user indicating that the video bitstreams or still image information displayed is acceptable. This particular limitation explicitly incorporated in independent claims 3 and 9 renders them, respectively, allowable.

Claims 7 and 8; and 17-20 are drawn to two video or still image information generating apparatuses. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-107389 A in view of Jung et al., U.S. Patent No. 4,862,290 A, disclose similar apparatuses. Although Itoh et al. describe an accounting circuit for carrying out remittance processing after the image information has been descrambled for viewing (see ¶ [0007], figure 1, item 14), none of these inventors show or motivate a camera means for creating and recording video or a still image for a predetermined period of time in response to a start recording instruction from a user in a condition that an appropriate fee is paid or positively charged. This particular feature explicitly recited in independent claims 7 and 17 renders claims 7 and 8; and 17-20, respectively, allowable.

Claim 14 is drawn to a video or still image distribution server. The closest prior art, Fuji Photo Film Co. Ltd. (Watanabe et al.), Japanese Patent Application Publication No. 11-224228 A, in view of Suzuki, U.S. Patent No. 6,401,243 B1, disclose a similar server. Although Watanabe et al. describe the order file from the user specifying an image ID with a print number of sheets for the image, none of these inventors teach or suggest a copy protection code updated by a management unit for each time of distribution so as to inhibit distribution of a video bitstream or still image information when the copy protection code reaches a predetermined

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number. This distinct feature explicitly incorporated into independent claim 14 renders it allowable.

Claim 15 is drawn to a video or still image information system. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-107389 A in view of Jung et al., U.S. Patent No. 4,862,290 A, disclose a similar system. Although Itoh et al. describe an accounting circuit for carrying out remittance processing after the image information has been descrambled for viewing (see ¶ [0007], figure 1, item 14), none of these inventors depict or imply a means for creating and recording video or a still image in a condition that a necessary fee is paid or will be positively paid and a controller means for inhibiting the transmission of the video bitstream or still image information when a number of allowed copies specified by a copy protection code becomes zero. This combination of features explicitly recited in independent claim 15 renders it allowable.

Claim 16 is drawn to a video or still image information system. The closest prior art, Hitachi Ltd. (Itoh et al.), Japanese Patent Application Publication No. 08-107389 A disclose a similar system. However, Itoh et al. neither show nor motivate a means for creating a video bitstream or still image information in condition that an appropriate fee is paid or will be positively paid at a predetermined time; and a means for outputting the video bitstream or still image information together with a copy protection code issued in correspondence with a fee paid. This combination of limitations explicitly incorporated in independent claim 16 renders it allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (571) 272-3801, and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (571) 272-3799.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the application file. It is further recommended that the cover sheet for the fax containing an

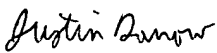
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amendment after final rejection have printed not only **"OFFICIAL FAX"** but also **"AMENDMENT AFTER FINAL"**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

June 22, 2005


JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100